

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ADVANCEME, INC.

§

Plaintiff,

§

v.

§

**RAPIDPAY, LLC, BUSINESS CAPITAL
CORPORATION, FIRST FUNDS LLC,
MERCHANT MONEY TREE, INC.,
REACH FINANCIAL, LLC and
FAST TRANSACT, INC. d/b/a
SIMPLE CASH**

§

Defendants.

§

ADVANCEME, INC.,

§

Plaintiff,

§

v.

§

**AMERIMERCHANT, LLC,
Defendant.**

§
§

CAUSE NO. 6:05CV424 LED

**CAUSE NO. 6:06cv0082 LED
JURY TRIAL DEMANDED**

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO EXCEED THE PAGE LIMIT
IN RESPONSIVE CLAIM CONSTRUCTION BRIEF OF DEFENDANTS FIRST FUNDS
LLC, MERCHANT MONEY TREE, INC., REACH FINANCIAL, LLC, AND
AMERIMERCHANT, LLC, PURSUANT TO LOCAL PATENT RULE 4-5(b)**

Defendants First Funds LLC, Merchant Money Tree, Inc., Reach Financial, LLC, and AmeriMerchant, LLC (collectively "Defendants") respectfully request that the Court grant leave to exceed the page limit for their Responsive Claim Construction Brief Pursuant to Local Patent Rule 4-5(b), which will be filed jointly on behalf of four defendants. Specifically, in order to properly address the disputed terms, Defendants request leave of Court to file a 36-page Responsive Claim Construction Brief, a copy of which is attached here as Exhibit A.

Plaintiff and Defendants met and conferred by telephone conference regarding this motion on September 27, 2006 and agreed that this motion will be unopposed.

September 27, 2006

Respectfully submitted,

By: /s/ Joseph D. Gray
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*Counsel for Defendants First Funds LLC,
Merchant Money Tree, Inc., Reach Financial,
LLC, and AmeriMerchant, LLC*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that all counsel of record who have consented to electronic service are being served a copy of this document via the court's CM/ECF system per Local Rule CV-5(a)(3) on this the 27th day of September, 2006. Any other counsel of record will be served by first class mail on this same date.

By: /s/ Joseph D. Gray
Joseph D. Gray

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**ORDER GRANTING DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO
EXCEED THE PAGE LIMIT IN RESPONSIVE CLAIM CONSTRUCTION BRIEF**

The Court having considered Defendants First Funds LLC's, Merchant Money Tree, Inc.'s, Reach Financial, LLC's, and AmeriMerchant, LLC's (collectively "Defendants") Motion for Leave to Exceed the Page Limit in Defendants' Responsive Claim Construction Brief is of the opinion that Defendants' motion should be GRANTED.

Accordingly, IT IS ORDERED that Defendants may submit a Responsive Claim Construction Brief of 36 pages, excluding the Tables of Contents and Authorities.

IT IS SO ORDERED on this _____ day of _____, 2006.

The Honorable Leonard Davis
United States District Court
for the Eastern District of Texas